

CHAPTER 32-27 ESTABLISHING CITIZENSHIP

32-27-01. Where proceeding maintained.

Any citizen of this state may maintain a proceeding in accordance with this chapter in the district court of the county in which the person resides for the purpose of establishing the fact that the person is a citizen of the state of North Dakota.

32-27-02. How proceeding instituted - Contents of petition.

Such proceeding shall be instituted by the filing of a petition with the clerk of the district court of the county in which the petitioner resides, setting forth:

1. That the petitioner is a resident of and resides within the state of North Dakota.
2. That the petitioner is a citizen of the United States of America.
3. The place and date of birth of the petitioner.
4. If the petitioner was born within the United States of America, whether or not the petitioner's parents were transient aliens or alien public ministers or consuls.
5. If the petitioner was born without the boundaries of the territorial United States of America, facts sufficient to show that the petitioner is a citizen of the United States of America, and the basis upon which citizenship rests.

32-27-03. Notice to be given by clerk of the district court.

Upon the filing of a petition of the kind described in this chapter, the clerk of the district court with whom such petition is filed shall issue a notice under the seal of the said district court fixing the time and place for the hearing upon such petition. Such notice shall be published in the official newspaper of the county for three successive weeks, the last publication to be at least ten days before the time set for the hearing. A copy of such notice and of such petition shall be served upon the attorney general and upon the state's attorney of the county of which the petitioner is a resident at least thirty days before the time set for the hearing. Proof of the publication and service required by this section shall be filed in the office of the clerk of the district court on or before the date set for the hearing on such petition.

32-27-04. Hearing - Who may appear - Duty of attorney general and state's attorney.

Any citizen of the state may appear at the hearing provided for in this chapter and shall be heard in favor of or in opposition to the petition. The attorney general, if the attorney general has reason to believe that the petitioner is not a bona fide citizen of the state of North Dakota or of the United States of America, shall appear at the hearing in opposition to the petition. The attorney general, if the attorney general has any doubt relative to the citizenship of the petitioner, shall secure any information required for such hearing from any department of the government of the United States of America. The state's attorney of the county in which the proceeding is pending shall appear at any hearing on a petition filed under the provisions of this chapter.

32-27-05. Judgment.

If, after the hearing, the court is satisfied that the petitioner is a bona fide citizen of the state of North Dakota, it shall make appropriate findings of fact and conclusions of law and shall order a judgment to that effect and such judgment shall be entered in the office of the clerk of the district court upon such order. If the court is not satisfied that the petitioner is a bona fide citizen of the state of North Dakota, it shall make appropriate findings of fact and conclusions of law and shall order the entry of a judgment denying the petition, and a judgment shall be entered upon such order reciting the dismissal and denial of the petition. A judgment establishing the citizenship of a petitioner shall be entitled to full faith and credit in the same manner as any other judgment of the courts of this state.

32-27-06. Appeal.

The petitioner may appeal to the supreme court from a judgment of the district court denying the petition for the establishment of citizenship. Notice of such appeal must be served upon the attorney general and upon the state's attorney of the county of which the petitioner is a resident. The attorney general or the state's attorney of the county of which the petitioner is a resident may appeal to the supreme court from a judgment of the district court establishing citizenship. Notice of such appeal shall be given to the petitioner. An appeal under this section must be taken within thirty days after the entry of a judgment establishing citizenship or denying and dismissing the petition for the establishment of citizenship and shall be heard by the supreme court in the same manner as other appeals from actions tried by the district court without a jury. If the appeal under this section is taken by the attorney general or state's attorney, no appeal bond shall be required.